

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

RICHARD ERNEST BENNETT (xxx-xx-2805)

1101 DOUBLETREE LN
MANSFIELD, TX 76063

Debtor

Case No. 17-40511-MXM

Pre-Hearing Conference: 10/26/2018 8:30 AM

CHAPTER 13

**NOTICE TO DEEM MORTGAGE CURRENT OR, ALTERNATIVELY, NOTICE OF AMOUNT DEEMED
NECESSARY TO CURE (INCLUDING NOTICE OF HEARING)
(Mid Case Mortgage Notice per Local Bankruptcy Rule 3002.1-1)**

RESPONSE REQUIRED BY CREDITOR

RE: SELENE FINANCE, Court Claim No. 6, Account No. 2817, Property: 1101 DOUBLETREE LN

TO ALL PARTIES IN INTEREST

PURSUANT TO LOCAL RULE 3002.1-1, THE CHAPTER 13 TRUSTEE, PAM BASSEL, FILES THIS NOTICE TO DEEM MORTGAGE CURRENT OR, ALTERNATIVELY, NOTICE OF AMOUNT DEEMED NECESSARY TO CURE ("MORTGAGE NOTICE").

A SCHEDULING ORDER WILL BE SERVED BY THE BANKRUPTCY CLERK WHICH WILL ESTABLISH SPECIFIC, IMPORTANT, AND MANDATORY DATES AND DEADLINES CONCERNING THIS MORTGAGE NOTICE, AS WELL AS OTHER REQUIREMENTS ("SCHEDULING ORDER"). IF THERE IS ANY CONFLICT BETWEEN THE SCHEDULING ORDER AND THIS MORTGAGE NOTICE, THE SCHEDULING ORDER WILL CONTROL.

PURSUANT TO LOCAL BANKRUPTCY RULE 3002.1-1, ON OR BEFORE SIXTY (60) DAYS FROM THE DATE OF SERVICE OF THIS MORTGAGE NOTICE, THE HOLDER OF A CLAIM COVERED BY THIS MORTGAGE NOTICE SHALL FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT AT 128 U.S. COURTHOUSE, 10TH & LAMAR ST., ROOM 147, FORT WORTH, TEXAS, 76102 & SHALL SERVE THE RESPONSE ON THE DEBTOR, DEBTOR'S ATTORNEY AND THE TRUSTEE AND ANY OTHER PARTY IN INTEREST. THE RESPONSE SHALL INDICATE WHETHER THE HOLDER DISPUTES THE INFORMATION CONTAINED IN THIS MORTGAGE NOTICE. THE RESPONSE SHALL ALSO ITEMIZE ANY CURE AMOUNTS OR POST-PETITION ARREARAGES THAT THE HOLDER CONTENDS EXIST ON THE DATE OF THE RESPONSE. THE DEBTOR MAY FILE A REPLY WITHIN NINETY (90) DAYS FROM THE DATE OF THE FILING OF THIS MORTGAGE NOTICE.

PURSUANT TO LOCAL BANKRUPTCY RULE 3002.1-1, THE COURT SHALL, AFTER NOTICE AND HEARING, DETERMINE WHETHER OR NOT THE DEBTOR IS CURRENT ON ALL REQUIRED POST-PETITION AMOUNTS. IF THE HOLDER OF A CLAIM FAILS TO RESPOND AND/OR THE DEBTOR FAILS TO REPLY, THE COURT MAY MAKE THIS DETERMINATION BY DEFAULT. AN ORDER SHALL BE ISSUED REFLECTING ANY DETERMINATION BY THE COURT.

IF A RESPONSE AND/OR REPLY IS TIMELY FILED, A HEARING ON THIS MORTGAGE NOTICE SHALL BE DEEMED REQUESTED. THE PRE-HEARING CONFERENCE SHALL BE HELD AT 8:30 AM ON October 26, 2018 AT 7001 BLVD 26, SUITE 150, NORTH RICHLAND HILLS, TEXAS, 76180. UNLESS THIS MATTER IS RESOLVED BY THE TIME OF THE PRE-HEARING CONFERENCE, A HEARING BEFORE THE COURT ON THIS MORTGAGE NOTICE SHALL BE SET FOR 8:30 AM, ON November 15, 2018 AT THE U.S. BANKRUPTCY COURT, 501 W 10TH STREET, RM 128, FORT WORTH, TEXAS.

THE ENTRY OF ANY ORDER BY THE COURT ON THIS MORTGAGE NOTICE, WHETHER BY DEFAULT OR OTHERWISE, SHALL PRECLUDE THE HOLDER OF THE CLAIM AND THE DEBTOR FROM CONTESTING THE AMOUNTS SET FORTH IN THE ORDER IN ANY CONTESTED MATTER OR ADVERSARY PROCEEDING IN THIS CASE OR IN ANY OTHER MATTER, MANNER, OR FORUM AFTER A DISCHARGE IN THIS CASE, UNLESS THE COURT DETERMINES, AFTER NOTICE AND HEARING, THAT THE FAILURE TO RESPOND AND/OR REPLY WAS SUBSTANTIALLY JUSTIFIED OR IS HARMLESS.

PLAN DELINQUENCY

To the Trustee's knowledge, the Debtor has a current PLAN PAYMENT DELINQUENCY amount of \$0.00.

PRE-PETITION**SUMMARY OF PAYMENTS****SELENE FINANCE**

Claim Type: Mortgage Pre Arrs - Pro Rata

Trustee Claim #1

Claim Amount: **\$58,933.61**

TOTAL DISBURSED	(Principal Paid + Interest Paid)	<u>Total Paid</u>	<u>Principal Amount Due:</u>
	<u>\$18,449.24 + \$0.00 =</u>	\$18,449.24	\$40,484.37

ONGOING MORTGAGE PAYMENT**SUMMARY OF PAYMENTS****SELENE FINANCE**

Claim Type: Mortgage Ongoing

Trustee Claim #2

TOTAL DISBURSED	(Principal Paid + Interest Paid)	<u>Total Paid</u>
	<u>\$20,190.90 + \$0.00 =</u>	\$20,190.90

Payments made May 2017 through Jul 2018.

POST-PETITION**SUMMARY OF PAYMENTS****SELENE FINANCE**

Claim Type: Mortgage Gap - Pro Rata

Trustee Claim #3

Claim Amount: **\$2,692.12**

TOTAL DISBURSED	(Principal Paid + Interest Paid)	<u>Total Paid</u>	<u>Principal Amount Due:</u>
	<u>\$2,692.12 + \$0.00 =</u>	\$2,692.12	\$0.00

MONTHLY ONGOING POST-PETITION MORTGAGE PAYMENTS

The **CURRENT MONTHLY ONGOING POST-PETITION MORTGAGE PAYMENT** is to be paid to the Mortgage Lender through disbursements by the Chapter 13 Trustee. Subject to Rule 3002.1(f)-(h), if the Conduit Debtor is current on Plan Payments to the Trustee or the payments due pursuant to any wage directive, the Mortgage Loan shall be deemed current post-petition.

IF A RESPONSE IS NOT FILED, THE DEBTOR'S ONGOING POST-PETITION MORTGAGE PAYMENTS WILL BE DEEMED CURRENT.

Date: 07/19/2018

RESPECTFULLY SUBMITTED,

/s/ Pam Bassel
Pam Bassel, Trustee
State Bar No. 01344800
Office of the Standing Chapter 13 Trustee
7001 Blvd 26, Ste 150
North Richland Hills, TX 76180
Telephone: (817) 916-4710

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was sent to all parties as listed below on July 19, 2018, either electronically or via U.S. First Class Mail.

BARRETT DAFFIN FRAPPIER TURNER & ENGEL LLP, 4004 BELT LINE RD STE 100, ADDISON, TX 75001
RICHARD ERNEST BENNETT, 1101 Doubletree Ln, Mansfield, TX 76063
SELENE FINANCE, 9990 RICHMOND AVE STE 400 SOUTH, HOUSTON, TX 77042
SHERMAN LAW FIRM, PO BOX 959, HASLET, TX 76052